THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.25401 & 25435 of 2005

Date:16.12.2005

W.P.No.25401 of 2005

B.Udaya Bhaskar and others.

--------PETITIONERS

The Controller of Examinations, Kakatiya University, Warangal, Warangal District and others.

---------RESPONDENTS

W.P.No.25435 of 2005

K.P.S.Sowjanya and others.

--------PETITIONERS

The Controller of Examinations, Kakatiya University, Warangal, Warangal District and others.

---------RESPONDENTS

ORDER:

The petitioners are studying M.Sc.(Mathematics) Course in the Distance Education Programme conducted by the Kakatiya University. On earlier occasions, they appeared in the examinations several times. The latest of the examinations has been held in August 2004. The University refused to declare the results of the petitioners, on the ground that the examiners of the answer scripts suspected mass-copying at the centers, where the petitioners appeared. They challenge the action of the respondents in not declaring their results. The principal contention advanced on behalf of the petitioners is that

the University did not issue any show cause notices, before cancelling their results.

In the counter affidavit filed on behalf of the respondents, it is stated that the examiners, who valued the answer scripts of M.Sc.(Mathematics) from the centers, in which the petitioners appeared, submitted reports to the effect that the answers were found verbatim similar and that can be the result of mass-copying. It is also stated that the matter was placed before the Results Committee and the Committee is said to have recommended the cancellation of results, as a whole, of the candidates appeared at the centers identified in this regard.

Sri W.B.Srinivas, the learned counsel for the petitioners submits that the respondents cannot accuse the petitioners of having resorted to mass-copying, since nothing objectionable was noticed when the examination was conducted. He further contends that mere suspicion expressed by some of the examiners cannot constitute the basis for cancellation of the results. Placing reliance upon the judgment of the Supreme Court in ***BOARD OF HIGH SCHOOL v. GHANSHYAM*** and certain other decisions, the learned counsel submits that when the University cancelled the results selectively, it is under obligation to put the affected candidates on notice.

Sri Deepak Battacharjee, the learned Standing Counsel for the respondents, on the other hand, submits that the centers, where the petitioners appeared, have, in fact, acted in tandem with the petitioners, resulting in mass-copying and that the same was noticed by the examiners. He contends that the action of the respondents, as regards the cancellation of the results, was not selective, but in its entirety in the identified centers.

The controversy in these Writ Petitions is narrow. The petitioners appeared in M.Sc.(Mathematics) Examination conducted at various centers. Nothing objectionable was noticed or pointed out, when the examination was held. It is

only during the course of valuation of the answer scripts of the petitioners, that the examiners are said to have expressed the view that mass-copying may have taken place, since the answer scripts were found identical. The learned Standing Counsel has placed before this Court, the letters addressed by such examiners. Here again, the suspicion was not wholesale, against a particular category of students. The numbers of the corresponding answer scripts were pointed out, suggesting that the suspicion was against some selected candidates.

It is true that the University has the power to cancel the results of an examination, when mass-copying takes place at an examination center, as a whole. In such a case, it is not necessary for the University to issue notices to the individual candidates. Where, however, the accusation or allegation is against a few or many, but not all the candidates, the results cannot be cancelled, unless the individual candidates are put on notice. The instant case falls under the second category. Howsoever justified, the respondents or the examiners, may be, in grouping some of the candidates, they cannot wriggle themselves out from the obligation to issue show cause notices to the affected candidates, as long as the process was selective in nature.

In the very center, in which the petitioners took examination, candidates from various other subjects have appeared. Even if it is assumed that the results of all the candidates in a particular subject viz., M.Sc.(Mathematics) are cancelled, the selective treatment emerges here also. In the same center, the candidates taking examination in one subject cannot be accused of having resorted to mass-copying, when no such suspicion is expressed about others, and their results are declared. Viewed from any angle, the action of the respondents cannot be sustained. However, on this account, the University cannot be directed to declare the results of the petitioners straight away.

Therefore, the Writ Petitions are allowed and the action of the respondents in not declaring the results of the petitioners is held to be illegal. It shall be open to the University to issue show cause notices to the petitioners and take further action, in accordance with law and conclude the entire process within two (2)

months from today. If no show cause notices are issued to the petitioners within a period of four (4) weeks from today, it shall be deemed that the University does not intend to proceed against the petitioners and it shall declare the results soon after the expiry of that period. There shall be no order as to costs.

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16.12.2005

Note: 1. Issue C.C. in two days.

2. L.R.Copy to be marked.

(B/o)

Jsu

***THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

+ WRIT PETITION No: 25401 & 25435 of 2005

% Dated 16.12.2005

+ WRIT PETITION No: 25401 of 2005

B.Udaya Bhaskar, S/o.B.Venkata Swamy, aged about 29 years,

Occ: Pursuing Distance Educaiton in M.Sc.(Mathematics) and others.

…….. PETITIONERS

$ The Controller of Examination, Kakatiya University, Warangal,

Warangal District and others.

…… RESPONDENTS

+ WRIT PETITION No: 25435 of 2005

K.P.S.Sowjanya, D/o.K.S.P.Vijaya Rao, aged about 30 yars, Proddatur, Kadapa District and others.

…….. PETITIONERS

$ The Controller of Examination, Kakatiya University, Warangal,

Warangal District and others.

……. RESPONDENTS

! Counsel for the petitioners: Sri W.B.Srinivas

^ Counsel for the respondents: Sri Deepak Bhattacharjee

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> HEAD NOTE:

? Cases referred:

1. A.I.R.1962 SUPREME COURT 1110